

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)
)
) 08 CR 148
v.)
) Magistrate Judge Brown
STEVEN CROSS)
)

ORDER OF DETENTION PENDING TRIAL

The government has moved to detain defendant Steven Cross pending trial of this matter, pursuant to 18 U.S.C. § 3142, on the grounds that he is a serious risk of danger to the community and that there are no conditions or combination of conditions that will reasonably assure the safety of the community. On March 12 and 18, 2008, the Court heard argument from the parties on the government's motion. Upon consideration of the arguments, and of the information presented in the report prepared by Pretrial Services, the Court orally granted the government's motion for detention and provided an explanation of its reasoning. In this order, the Court briefly summarize the reasons for that ruling, *see* 18 U.S.C. §3142(i):

1. In determining whether to detain Mr. Cross, the Court considered Mr. Cross's past failure to comply with bond conditions, his criminal history, and the nature and circumstances of the offense. 18 U.S.C. § 3142(g).
2. The Court considered and discussed Mr. Cross's history of not abiding by set bond conditions, including several bond forfeitures and violations from August 1993, July 2002, and March 2007, and a violation of probation from August 2007, as well as his recent self-admitted cannabis use and his December 2007 arrest for possession of cannabis while

on bond in the state case from which the federal charges stem.

4. The Court further considered and discussed Mr. Cross's criminal history, including a conviction for aggravated vehicular hijacking in June 1994, followed by a conviction for possession of 15 grams of cocaine in December 2002, and a conviction on that same date for the manufacturing and delivery of 30-500 grams of marijuana, stemming from a different charge, as well as a conviction for battery in May 2007.

5. The Court further considered and discussed the nature of the charged offense. Mr. Cross is charged in a two-count indictment with being a felon in knowing possession of a firearm that had traveled in interstate commerce prior to Mr. Cross' possession of the firearm, in violation of Title 18, United States Code, Section 922(g)(1), (Count One), and with knowingly and intentionally possessing marijuana, in violation of Title 21, United States Code, Section 844 (Count Two). The state charges that gave rise to these federal charges included an additional charge of aggravated unlawful use of a weapon. The Court found that the nature and circumstances of the offense charged weighed in favor of detention based, in part, on the state indictment/information's providing probable cause to establish the aggravated nature of the underlying conduct for the charged offense.

6. The Court also considered and discussed the defendant's conviction from May 1993 for communicating with a witness, given that Mr. Cross's wife is a witness to the charged offense and that the case also involves a victim.

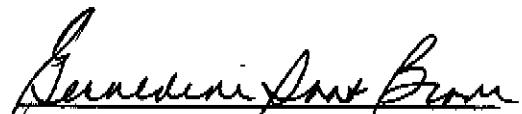
7. Based on the foregoing considerations, the Court finds that the facts supported by clear and convincing evidence demonstrate that defendant Steven Cross is a serious risk

of danger to the community and that there are no conditions or combination of conditions of release that would reasonably assure the safety of the community.

ACCORDINGLY, IT IS HEREBY ORDERED THAT Mr. Cross is committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;

IT IS FURTHER ORDERED that Mr. Cross is to be afforded reasonable opportunity for private consultation with counsel; and,

IT IS FURTHER ORDERED that, on order of a court of the United States or on request of an attorney for the Government, Mr. Cross shall be delivered to a United States Marshal for purposes of an appearance in connection with a court proceeding.



Geraldine Soat Brown
United States Magistrate Judge

Date: April 3, 2008

U.S. DISTRICT COURT CLERK

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